

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

EDWARD WOODBY,

Plaintiff,

vs.

RYTEC CORPORATION and  
INDUSTRIAL EQUIPMENT  
SOLUTIONS INC.,

Defendants.

NO. CV-08-146-RHW

**ORDER GRANTING MOTION TO  
DISMISS, *INTER ALIA***

Before the Court are Defendant Industrial Equipment Solutions, Inc.'s Motion to Dismiss for Lack of Jurisdiction (Ct. Rec. 17); Defendant Rytec Corporation's Motion to Dismiss (Ct. Rec. 19); and Plaintiff's Motion to Dismiss Industrial Equipment Solutions and Leave to Amend Complaint (Ct. Rec. 23). A telephonic hearing on these motions was held on September 19, 2008. Ashley Richards appeared on behalf of Plaintiff; Sharon Ambrosia-Walt and Chad Barnes appeared on behalf of Defendants. All parties agree that granting Plaintiff's Motion to Dismiss and granting Plaintiff leave to amend his Complaint would moot both Defendants' motions.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion to Dismiss (Ct. Rec. 23) is **GRANTED**.
2. Defendant Industrial Equipment Solutions, Inc.'s Motion to Dismiss for Lack of Jurisdiction (Ct. Rec. 17) is **DENIED as moot**.
3. Defendant Rytec Corporation's Motion to Dismiss for Lack of Jurisdiction (Ct. Rec. 19) is **DENIED as moot**.

**ORDER GRANTING MOTION TO DISMISS, *INTER ALIA* \* 1**

1 4. Although Plaintiff has filed a proposed Amended Complaint, Plaintiff  
2 shall re-file the proposed Amended Complaint as an Amended Complaint in the  
3 public record.

4 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
5 enter this Order and to furnish copies to counsel.

6 **DATED** this 25<sup>th</sup> day of September, 2008.

7 *S/ Robert H. Whaley*

8 **ROBERT H. WHALEY**  
9 Chief United States District Judge

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